Docket No. **CANSMITTAL LETTER** M4065.1006/P1006-B Application No Filing Date Examiner Art Unit 10/787,123-Conf. #4687 February 27, 2004 R. R. Forde 2826 Applicant(s): Terry L. Gilton PROGRAMMABLE CONDUCTOR MEMORY CELL STRUCTURE AND METHOD Invention: **THEREFOR** TO THE COMMISSIONER FOR PATENTS Transmitted herewith is an amendment in the above-identified application. The fee has been calculated and is transmitted as shown below. **CLAIMS AS AMENDED** Claims Highest Remaining Number Number After Previously **Extra Claims** <u>Amendment</u> Paid Present Rate **Total Claims** 32 28 4 50.00 200.00 X Independent 2 3 х Claims Multiple Dependent Claims (check if applicable) Other fee (please specify): TOTAL ADDITIONAL FEE FOR THIS AMENDMENT: 200.00 x Large Entity Small Entity No additional fee is required for this amendment. Please charge Deposit Account No. in the amount of \$ A duplicate copy of this sheet is enclosed. A check in the amount of \$ _____ to cover the filing fee is enclosed. x Payment by credit card. Form PTO-2038 is attached. X The Director is hereby authorized to charge and credit Deposit Account No. 04-1073 as described below. A duplicate copy of this sheet is enclosed. x Credit any overpayment. Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17. Dated: January 9, 2006 Peter F. McGee Attorney Reg. No.: \$5,947 DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP 2101 L Street NW Washington, DC 20037-1526 (202) 828-2232



Docket No.: M4065.1006/P1006-B (PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Terry L. Gilton

Confirmation No.: 4687

Application No.: 10/787,123

Art Unit: 2818

Filed: February 27, 2004

Examiner: R.R. Forde

For: PROGRAMMABLE CONDUCTOR MEMORY

CELL STRUCTURE AND METHOD

THEREFOR

RESPONSE TO RESTRICTION REQUIREMENT AND SECOND PRELIMINARY <u>AMENDMENT</u>

MS Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

Prior to examination on the merits, please consider the following response to the restriction requirement dated December 7, 2005 and amend the above-identified U.S. patent application as follows:

A Response to the Restriction Requirement begins on page 3 of this paper.

Amendments to the Specification begin on page 3 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 5 of this paper.

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Remarks/Arguments begin on page 10 of this paper: 1202

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1734556 v1; 116#401!.DOC DSMDB,1734556.1 Application No.: 10/787,123 Docket No.: M4065.1006/P1006-B

RESPONSE TO RESTRICTION REQUIREMENT

In response to the restriction requirement dated December 7, 2005, applicant elects Species I, with traverse.

The Office Action contains a requirement for restriction between the following species of the claimed invention described as follows:

- a. Species I, as shown in Figures 1A, 1B, and 2.
- b. Species II, as shown in Figures 1C and 2.
- c. Species III, as shown in Figures 1A, 1B, and 3-5.
- d. Species IV, as shown in Figures 1C and 3-5.

Applicant elects Species I for further prosecution in this application. Applicant reserves the right to pursue all of the pending claims and others in this or other applications. The election of Species I is made with traverse.

The election of species requirement set forth beginning on page 2 of the Office Action is not clear and does not meet the requirements of MPEP § 809.02(a). The Office Action does not provide reasons why the species are independent or distinct.

Applicant respectfully requests that the restriction requirement be withdrawn and that any further restriction requirement provide reasons why the species are independent or distinct as required by MPEP § 809.02(a).